

AIR-FLO ENVIRONMENTAL, INC.

CONTRACT NO. V646P-2076

VABCA-5114

VA MEDICAL CENTER
UNIVERSITY DRIVE
PITTSBURGH, PENNSYLVANIA

Sam Zalman Gdanski, Esq., Suffern, New York, for the Appellant.

Merilee D. Rosenberg, Esq., Trial Attorney; *Charlma O. Quarles, Esq.*, Deputy Assistant General Counsel; and *Phillipa L. Anderson, Esq.*, Assistant General Counsel, Washington, D.C., for the Department of Veterans Affairs.

ORDER ENTERING JUDGMENT

1. On June 2, 1998, the Department of Veterans Affairs and Appellant filed a JOINT MOTION FOR JUDGMENT ON SETTLEMENT AGREEMENT. The motion encloses a SETTLEMENT AGREEMENT finally executed on June 2, 1998, entered into by the parties concerning VABCA-5114.

2. The parties recite that the issue which is the subject of VABCA-5114 has been "amicably resolved" and jointly move that the Board enter Judgment "in accordance with the terms of the attached Settlement Agreement". The SETTLEMENT AGREEMENT recites:

1. Upon dismissal of the Appeal with prejudice, the VA shall pay Air-Flo \$75,000, and convert the termination for default to a termination for convenience of the Government. The check will be made payable to Air-Flo Environmental, Inc. in settlement of all claims and disputes arising out of the contract, including all interest and attorney's fees.

2. Air-Flo hereby waives, and releases the VA from, any claims or liability whatsoever arising out of the contract or the facts giving rise to this Appeal, whether direct or indirect, including delay, extended overhead, impact, interest, and attorney fees.

3. This appeal was dismissed with prejudice on March 12, 1998, the Board having been advised that the parties had settled the dispute which was the subject of this appeal. VABCA-5114 is hereby reopened and restored to the active docket for the sole purpose of granting the joint motion of the parties.

4. Inasmuch as the parties have reached agreement in this appeal, their joint motion is GRANTED. The Termination for Default is converted to a Termination for Convenience, and Air-Flo Environmental, Inc. is entitled to the sum of \$75,000 in settlement of all claims and disputes arising out of Contract No. V646P-2076, including all interest and attorney's fees, pursuant to the terms and conditions of the SETTLEMENT AGREEMENT entered into by the parties.

IT IS SO ORDERED

DATE: **June 3, 1998**

DAN R. ANDERS
Administrative Judge